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UNITED NATIONS CONFERENCE ON
STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
New York, 14-31 March 1994

STATEMENT MADE BY THE CHAIRMAN OF THE CONFERENCE AT THE CLOSING OF THE THIRD SESSION, HELD ON 31 MARCH 1994

1. You will recall that the programme of work which the Conference had adopted for this three-week session was as follows:

(a) The Conference would begin by hearing general remarks directed to the negotiating text prepared by the Chairman (A/CONF.164/13 of 23 November 1993). This was to be followed by a section-by-section examination of the negotiating text. For this purpose, the plenary would meet as a working group. We aimed to complete this process by the end of the first week;

(b) Upon completion of the section-by-section examination of the text, the Conference would then discuss the question of the form of the document resulting from its deliberations;

(c) It would then take up some of the key issues that required further negotiation;

(d) Depending on the progress made, the Chairman would aim to issue a revised text by the beginning of the third week;

(e) If indeed a revised text was issued at the beginning of the third week, the Conference would proceed to consider the revised text for the remainder of the session;

(f) The two technical working groups on the application of the precautionary approach to fisheries management and on reference points for the utilization of fish resources established at the previous session would meet simultaneously with the plenary from 16 to 18 and from 21 to 23 March, respectively.

2. Given the extensive nature of our agenda and the time available, this was an ambitious programme of work. However, a review of the work done during this session would indicate that, by and large, we kept to the schedule of work. This was possible thanks to the cooperation and hard work on the part of all Conference participants. In particular, I would like to thank those who worked so diligently and for long hours and who have been of invaluable assistance to the Chairman.

3. In accordance with the agreed programme of work, we began by hearing general remarks on the negotiating text and then examined the various sections of the text in detail. This process continued into the second week. As a result of the discussion and the very helpful and constructive suggestions made, it was possible for the Chairman to start revising the text during the second week, earlier than expected. The revisions were issued section by section in five conference room papers (A/CONF.164/CRP.1-5). These revisions were completed at the beginning of the third week.

4. The revisions enabled the Chairman, at the end of the second week, to convene informal consultations in order to improve the text and widen the support for it. These consultations facilitated the commencement of negotiations among delegations. The results of the consultations are now incorporated in the revised negotiating text (A/CONF.164/13/Rev.1).

5. During the informal consultations, some of the more difficult issues were taken up for discussion and negotiation. It would be fair to say that we made considerable progress towards agreement on these key issues.

6. Important progress was made on the difficult issue of compatibility and coherence in the conservation and management measures for straddling fish stocks and highly migratory fish stocks in areas under national jurisdiction and in the high seas, while respecting the various jurisdictional regimes established under the 1982 United Nations Convention on the Law of the Sea. Indeed, there is now common ground on how this should be achieved. However, further work is necessary in order to reach complete agreement on this critical issue.

7. The Conference has also moved closer to agreement on a number of other issues. These issues include:

(a) General principles on which conservation and management measures are to be based;

(b) International cooperation, including regional and subregional cooperation, for achieving the goal of effective conservation and management, and sustainable resource use;

(c) Compliance with, and the enforcement of, high seas fisheries conservation and management measures, in particular the duties of flag States in this regard;

(d) The role of the port States in support of conservation and management;

(e) The cooperation required to deal with States that do not participate in the work of regional fisheries organizations or arrangements;

(f) The special requirements of developing countries in order to enhance their national capacities so that they can participate more effectively in fisheries management and conservation;

(g) The need for compulsory and expeditious settlement of disputes procedures in support of effective fisheries conservation and management;

(h) Procedures for the review of the implementation of conservation and management measures adopted by this Conference.

8. This session also saw the introduction of a number of new elements in our deliberations and negotiations. Two such issues were considered in the two technical working groups that the Conference had established. These working groups dealt with the important issues of the precautionary approach to fisheries management and reference points for managing fisheries. As a consequence, the negotiating text now reflects the work done in the two technical working groups. A new annex has been added to the negotiating text which contains guidelines for applying reference points in managing fish stocks. It is derived from the report of the working group.

9. I would like once again to express the gratitude of the Conference to the two working groups for their invaluable contribution to our work. I would also like to thank the Food and Agriculture Organization of the United Nations (FAO) for the preparation of two excellent background papers on the two issues.

10. The negotiating text now also contains a section on objectives, which, as you know, is to ensure the long-term sustainability of straddling fish stocks and highly migratory fish stocks. Further additions to the negotiating text include a section on the application of the provisions of the document that the Conference will adopt, and a preamble. It should be noted that we have yet to agree on the form of the document to be adopted by this Conference.

11. The revised negotiating text as a whole reflects the considerable progress made at this session on all substantive matters. It is my sense that there is a distinct convergence of views on the many issues addressed in the negotiating text. This reflects the commitment on the part of States to achieve the goal established for this Conference by the Heads of Government at the Earth Summit at Rio de Janeiro in 1992, and required of us by the General Assembly of the United Nations in its resolution 47/192 of 22 December 1992.

12. We have worked relentlessly and often for long hours during the past three weeks and have made impressive progress. However, the Conference still has a long way to go before it can successfully conclude its work. The time available to the Conference is very short and we face a considerable challenge if indeed we are to complete our task during the two-week summer session. This challenge will be daunting unless delegations make an effort to continue the process of informal consultation and negotiation during the inter-sessional period in order that the Conference can achieve early agreement on all outstanding matters when it reconvenes in August. I believe that, given your commitment and the spirit

of cooperation and compromise that has already been demonstrated, we should be able to achieve our goal and arrive at a consensus document.

13. At the next session, in order to maintain momentum in the negotiations, we should continue the process of informal consultations soon after we reconvene and devote as much time as possible to resolving the outstanding issues. This approach has proved to be most productive during this session. The next session is for two weeks only. Realistically speaking, there will be just over a week available to us to conclude negotiations, as we will also need some time to revise the text and harmonize the different language texts. We should not lose sight of this fact if we are to conclude the work of the Conference within the time set for us.

14. Our Governments have set the Conference an urgent and important task. The task is to agree on measures that will ensure that an important resource that nature has provided to mankind is effectively conserved and managed for the benefit of present and future generations. Recent collapses of fish stocks in different parts of the world underscore the urgency of our task. Such collapses demonstrate that these stocks are not being utilized in a sustainable manner. This situation is no longer acceptable and we are therefore forced to consider radical departures from current fishing practices. In order to achieve this, Governments must be flexible in their negotiating positions and be prepared to take swift and decisive measures. They must not insist on old rules of the game which are no longer adequate or appropriate, whether they apply to areas under national jurisdiction or to the resources of the high seas. States must not succumb to short-term interests and pressures and in the process sacrifice the longer-term interests of fishing communities and mankind as a whole. The international community, as is reflected in the Rio Declaration, the resolutions of the United Nations General Assembly and the decisions of other bodies such as FAO, expects no less.

15. I would like to thank you most sincerely for the efforts you have all made during this session. I would also like to pay special tribute to my colleagues in the Bureau for the support, advice and guidance on the work of the Conference. The contribution of the Secretariat as a whole has been invaluable to the workings of the Conference, which I acknowledge on your behalf. I also wish to recognize the important contribution on technical issues made by FAO to the Conference. May I wish you all well, and those of you who are travelling, bon voyage.